



AGENDA

City Council Regular Session

5:30 PM - Thursday, December 9, 2021

City Hall, 1225 6th Avenue

This meeting is being recorded. Any item listed on the agenda may be open to discussion by the City Council.

This meeting is viewable online. To watch, go to Zoom.com, select Join a Meeting, and enter the Meeting ID# 896 6030 9167. A link is also provided at www.cityofmarion.org. Audio only can be heard by calling 1-646-558-8656 and entering the same Meeting ID listed above.

Those who wish to comment must either attend the meeting in person or submit the comment to the City Clerk by 4:00 p.m. on Thursday, December 9 via email at cityclerk@cityofmarion.org.

Page

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MOMENT OF SILENCE

PROCLAMATIONS/OATHS

- 1. Proclamation - International Human Rights Day (December 10, 2021) 9 - 10
[Agenda Memo - AM-21-1570 - Pdf](#)

PRESENTATIONS

This section is for presentations from external entities regarding current council action and area projects and events.

None

PUBLIC FORUM

This section is for comments from the public on topics listed on the agenda not associated with a public hearing.

CONSENT AGENDA

This section includes routine items and will be enacted by one motion without separate discussion unless Council requests an item to be removed to be considered separately.

Motion to approve the Consent Agenda as follows:

- A. Administrative Services
 - A.1. Minutes of the November 16 and 18, 2021 City Council meeting. 11 - 25
[Agenda Memo - AM-21-1563 - Pdf](#)
 - A.2. Payments as presented in the amount of \$4,532,563.41 26 - 59
[Agenda Memo - AM-21-1564 - Pdf](#)

- A.3. Liquor licenses including the following: 60
- Renewal - La Cantina Bar & Grill - 3217 7th Avenue
 - Renewal - Mandarin Spice Buffet & Grill - 1412 Twixt Town Road
 - Renewal - Carlos O'Kellys Mexican Cafe - 3320 Armar Drive
 - Renewal - Corridor Courts - 750 44th Street
 - Renewal - Wal-Mart Supercenter #3630 - 5491 Business Highway 151
- [Agenda Memo - AM-21-1571 - Pdf](#)
- A.4. Receive and file correspondence from Roger Cousins regarding resignation from the Construction Code Review Board. 61 - 62
- [Agenda Memo - AM-21-1561 - Pdf](#)
- A.5. Mayoral reappointments: 63 - 64
- Arts Council - Frances Renfer - term expires 12/31/24
 - Arts Council - Jane Strnad Nelson - term expires 12/31/24
 - Civil Rights Commission - Kent Jackson - term expires 12/31/24
 - Construction Code Review Board - Bethany Jordan - term expires 12/31/25
 - Construction Code Review Board - Jim Angerer - term expires 12/31/25
 - Construction Code Review Board - JR Blok - term expires 12/31/25
 - Local Option Sales Tax Oversight Committee - Ann Brendes - term expires 12/31/26
 - Local Option Sales Tax Oversight Committee - Forrest Ward - term expires 12/31/26
 - Nuisance Enforcement/Prop. Maint. Advisory Board - Brandy Reggelsen - term expires 12/31/24
 - Park Board - Bryan Fiscus - term expires 12/31/25
 - Park Board - John McIntosh - term expires 12/31/25
 - Park Board - Kyle Martin - term expires 12/31/25
 - Planning and Zoning Commission - Jennifer Morris - term expires 12/31/26
 - Planning and Zoning Commission - Kathryn Walsh - term expires 12/31/26
 - Public Services Board - Craig Adamson - term expires 12/31/23
 - Public Services Board - Joe Spinks - term expires 12/31/23
 - Water Board - John Bender - term expires 12/31/27
 - Zoning Board of Adjustment - Carol Golden - term expires 12/31/26
 - Zoning Board of Adjustment - Charlie Potter - term expires 12/31/26
- [Agenda Memo - AM-21-1565 - Pdf](#)

A.6.	Mayoral appointments: <ul style="list-style-type: none"> • Water Board - Terry Chew, 2980 6th Street, term expires 12/31/2022 Agenda Memo - AM-21-1566 - Pdf	65 - 67
A.7.	Mayoral Appointments: <ul style="list-style-type: none"> • Will Brandt - Mayor Pro Tem - 1/1/22 to 12/31/22 • Grant Harper - Deputy Mayor Pro Tem - 1/1/22 to 12/31/22 • Grant Harper - Mayor Pro Tem - 1/1/23 to 12/31/23 • Will Brandt - Deputy Mayor Pro Tem - 1/1/23 to 12/31/23 Agenda Memo - AM-21-1568 - Pdf	68
A.8.	Resolution No. 30107 approving Fiscal Year 2021-2022 Capital Budget Transfers Agenda Memo - AM-21-1588 - Pdf	69
A.9.	Resolution No. 30108 approving partial payment no. 12 to Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amounts of \$2,590. Agenda Memo - AM-21-1600 - Pdf	70 - 73
A.10.	Motion to approve project calendar regarding the City's Community Equity Initiative: <ul style="list-style-type: none"> • Receive and file Community Equity Task Force Recommendations • Direct staff to develop implementation plan Agenda Memo - AM-21-1554 - Pdf	74 - 81
A.11.	Resolution No. 30109 approving matching funds for the Marion Chamber of Commerce - Marion Leadership in Action Winter Lights Project in an amount not to exceed \$30,000. Agenda Memo - AM-21-1602 - Pdf	82 - 84
A.12.	Resolution No. 30110 approving Health Insurance Agreement regarding Chapter 411 Agenda Memo - AM-21-1599 - Pdf	85 - 87
B.	Public Services - None	
C.	Public Safety - None	
D.	Parks	
D.1.	Resolution No. 30111 approving partial payment to Eastern Iowa Excavating & Concrete, Inc. regarding the Prairie Hill Park Basketball Court in the amount of \$12,278.75. Agenda Memo - AM-21-1603 - Pdf	88 - 90
E.	Engineering	

- E.1. Resolution No. 30112 approving Partial Payment No. 2 to KTA-Tator, Inc. regarding the CEMAR Phase IV Project Quality Assurance Steel Fabrication Inspection, in the amount of \$16,945.50 [TAP-U-4775(638)—8I-57] (TRL-17-055) 91
[Agenda Memo - AM-21-1550 - Pdf](#)
- E.2. Resolution No. 30113 approving Partial Payment No. 5 to Rathje Construction Company regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project in the amount of \$587,368.92 (TRANS-18-101) 92
[Agenda Memo - AM-21-1577 - Pdf](#)
- E.3. Resolution No. 30114 approving Partial Payment No. 15 to Anderson Bogert Engineers regarding the Central Corridor Improvements 7th Avenue Project from 8th Street to 12th Street in the amount of \$754.40. (TRANS-18-091) 93 - 94
[Agenda Memo - AM-21-1590 - Pdf](#)
- E.4. Resolution No. 30115 approving Partial Payment No. 1 to Braun Intertec regarding plant monitoring and compaction testing for the 10th Avenue Sidepaths Project in the amount of \$1,558.00 (TAP-U-4775(635)—8I-57)(TRL-18-110) 95
[Agenda Memo - AM-21-1591 - Pdf](#)
- E.5. Resolution No. 30116 approving Partial Payment No. 22 to Christner Contracting Inc. regarding the 2019 Fire Station Project in the amount of \$11,913.42. (FACS-18-062) 96 - 97
[Agenda Memo - AM-21-1592 - Pdf](#)
- E.6. Resolution No. 30117 approving Partial Payment No. 14 to Linn County for services provided by Snyder and Associates regarding the Tower Terrace Rd Design Study Report and NEPA in the amount of \$6,135.70. (TRANS-18-095) 98 - 99
[Agenda Memo - AM-21-1593 - Pdf](#)
- E.7. Resolution No. 30118 accepting public improvements in Downing Farms 4th Addition to the City of Marion. 100
[Agenda Memo - AM-21-1574 - Pdf](#)
- F. Community Development
- F.1. Resolution No. 30119 setting the date of January 20, 2022 for a public hearing regarding an annexation request from Integrity Custom Homes, Inc. for property west of Alburnett Road, south of Oak Park Trail, Marion, Iowa. 101
[Agenda Memo - AM-21-1567 - Pdf](#)
- F.2. Resolution No. 30120 approving Plat of Survey No. 2585 for property located west of Winslow Road and south of Tower Terrace Road. (Donna Mae Morrissey Revocable Trust) 102 - 106
[Agenda Memo - AM-21-1560 - Pdf](#)

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|------|--|-----------|
| F.3. | Resolution No. 30121 approving payment no. 8 to RDG Planning & Design, Inc. for professional services regarding the 11th Street Plaza Project in the amount of \$425.01. (GOV-19-122)
Agenda Memo - AM-21-1601 - Pdf | 107 - 109 |
| F.4. | Resolution No. 30122 approving payment no. 3 to RDG Planning & Design, Inc. for professional services regarding the Highway 13 & Highway 100 Subarea Plan in the amount of \$1,575.00. (GOV-19-122)
Agenda Memo - AM-21-1594 - Pdf | 110 - 112 |
| F.5. | Resolution No. 30123 approving payment no. 13 to RDG Planning & Design, Inc. for professional services regarding the 7th Avenue Streetscape Improvement Project in the amount of \$670.00. (TRANS-18-098)
Agenda Memo - AM-21-1595 - Pdf | 113 - 115 |
| F.6. | Resolution No. 30124 authorizing the submittal of a grant application to the Corridor Metropolitan Planning Organization for Regional Transportation Funds in the amount of \$579,000 and committing to provide local matching funds contingent upon award and acceptance of Transportation Grant Funds regarding the Lucore Road Pedestrian Bridge and Sidepath Project.
Agenda Memo - AM-21-1569 - Pdf | 116 - 128 |
| F.7. | Resolution No. 30125 authorizing the submittal of a grant application to the Corridor Metropolitan Planning Organization for Regional Transportation Funds in the amount of \$252,000 and committing to provide local matching funds contingent upon award and acceptance of Transportation Grant Funds regarding sidewalk gap infill within one quarter mile of Vernon Middle School.
Agenda Memo - AM-21-1579 - Pdf | 129 - 135 |
| G. | Library | |
| G.1. | Resolution No. 30126 approving partial payment No. 25 to Engberg Anderson, Inc. regarding the Library Building Project in the amount of \$12,975.66
Agenda Memo - AM-21-1549 - Pdf | 136 - 137 |

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Motion to approve the Consent Agenda with Mayor AbouAssaly's abstention as follows:

- A. Administrative Services

A.1.	Mayor Pro Tem Atkins recommended reappointments:	138
	<ul style="list-style-type: none"> • Marion Municipal Airport Committee - John Bender - term expires 12/31/2025 • Marion Municipal Airport Committee - Tim Schaffer - term expires 12/31/2025 	
	Agenda Memo - AM-21-1559 - Pdf	
A.2.	Liquor licenses including the following:	139
	<ul style="list-style-type: none"> • Renewal - Giving Tree Theater - 752 10th Street 	
	Agenda Memo - AM-21-1572 - Pdf	
B.	Public Services - None	
C.	Public Safety - None	
D.	Parks - None	
E.	Engineering	
E.1.	Resolution No. 30127 approving Partial Payment No. 16 to Peterson Contractors, Inc. regarding the CEMAR Phase III Project in City of Marion, from Marion Boulevard bridge over Indian Creek north preservation trail Bridge New, Steel Girder in the amount of \$1,050.00. [TAP-U-4775(637)-8I-57] (TRL-17-055)	140 - 141
	Agenda Memo - AM-21-1558 - Pdf	
E.2.	Resolution No. 30128 approving Partial Payment No. 5 to Peterson Contractors, Inc. regarding the CEMAR Phase IV Project in the City of Marion, from the East Side of Indian Creek Bridge, Over Marion Boulevard to 7th Street, Twin Continuous Welded Girder Bridge and PCC Trail, in the amount of \$241,435.07 [TAP-U-4775(638)—8I-57] (TRL-17-055)	142
	Agenda Memo - AM-21-1575 - Pdf	
E.3.	Resolution No. 30129 accepting the 2020 Central Corridor Improvement Project Phase 4 (19th Street to 26th Street) (TRANS-18-091)	143 - 144
	Agenda Memo - AM-21-1598 - Pdf	
E.4.	Resolution No. 30130 approving Partial Payment No. 2 to Rathje Construction Company regarding the Marion AirCom Park Sanitary Sewer Extension Project in the amount of \$145,852.08. (SWR-18-111)	145 - 146
	Agenda Memo - AM-21-1573 - Pdf	
E.5.	Resolution No. 30131 approving Partial Payment No. 5 to Peterson Contractors Inc. regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail in the amount of \$288,222.71. (TAP-U-4775(635)—8I-57)(TRL-18-110)	147
	Agenda Memo - AM-21-1583 - Pdf	
F.	Community Development	

- F.1. Resolution No. 30132 approving payment no. 6 to HDR Engineering, Inc for consultant services associated with the Task Order One: Marion Airport project in the amount of \$8,272.50. (ANN-18-082) 148 - 150

[Agenda Memo - AM-21-1589 - Pdf](#)

G. Library - None

REGULAR AGENDA

A. Administrative Services

- A.1. Public Hearing regarding an amendment to Chapter 3 of the Marion Code of Ordinances relating to Precincts and Wards. (City of Marion, Iowa) 151 - 157

[Agenda Memo - AM-21-1539 - Pdf](#)

- A.2. Ordinance No. 21-23 regarding an amendment to Chapter 3 of the Marion Code of Ordinances relating to Precincts and Wards. (City of Marion, Iowa) (Initial Consideration) 158

[Agenda Memo - AM-21-1540 - Pdf](#)

B. Public Services - None

C. Public Safety - None

D. Parks - None

E. Engineering

- E.1. Resolution No. 30133 approving 28E Agreement with City of Cedar Rapids regarding the 2022 Pavement Rehabilitation Project to improve Marion Blvd. (TRANS-18-090) 159 - 163

[Agenda Memo - AM-21-1578 - Pdf](#)

- E.2. Public Hearing regarding the 2022 Storm Sewer Project (ANN-18-031). 164 - 165

[Agenda Memo - AM-21-1584 - Pdf](#)

- E.3. Resolution No. 30134 accepting bids and awarding contract to Midwest Concrete, Inc. regarding the 2022 Storm Sewer Project in the amount of \$109,212.50 (ANN-18-031). 166 - 168

[Agenda Memo - AM-21-1581 - Pdf](#)

- E.4. Public Hearing regarding the 2022 Sidewalk Ramp Project (ANN-18-106) 169 - 170

[Agenda Memo - AM-21-1585 - Pdf](#)

- E.5. Resolution No. 30135 accepting bids and awarding contract to Boomerang Corp regarding the 2022 Sidewalk Ramp Project (ANN-18-106) in the amount of \$133,318.00 171 - 173

[Agenda Memo - AM-21-1580 - Pdf](#)

F. Community Development

- F.1. Resolution No. 30136 approving scope of services and contract Amendment No. 2 to AIA document B101 with RDG Planning and Design regarding design services for the Central Plaza in the amount of \$449,250.00. (REC-18-039)

174 - 183

[Agenda Memo - AM-21-1586 - Pdf](#)

- G. Library - None

OTHER DEPARTMENT DISCUSSION

This portion of the meeting is set aside for other department discussions, presentations, and updates not related to current council action.

PUBLIC FORUM

This time is set aside for comments from the public. Please understand that the City Council will not take any action on your comments at this meeting due to requirements of the Open Meetings Law, but may do so at a future meeting.

COUNCIL COMMENTS

During this portion of the meeting, Council members may bring forward communications, concerns and reports on various matters.

CLOSED SESSION

1. Motion to adjourn to closed session regarding litigation as permitted under Section 21.5(1)(c) of the Code of Iowa. (Two separate measures)

ADJOURN